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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2175

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,988

Applicant(s)

MENDE, ROBERT G.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.79.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

SAM RIMELL
PRIMARY EXAMINER

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beizer et al. (U.S. Patent 6,240,414).

Claim 7: FIG. 3D of Beizer et al. refers to data elements in work folder and data elements in a master folder. The work folder thus becomes the primary page and the master folder becomes the mirror page Beginning at step (68), the value of the data element in the work folder is compared to the value of the data element in the master folder. If they are inconsistent, then at step 70, the value from the work folder is applied to the master folder, so as to make the consistent page (the work folder) become consistent with the inconsistent page (the master folder). Any of the decision steps in FIG. 3D are readable as a lock, since a negative decision prevents the updating to the master folder. Thus, the step of resolving the lock status can be met by passing through any of the decision blocks.

Claim 8: Claim 8 contains two options, one of which is to simply allow a write operation to occur. At step (70), a write operation occurs by updating the master folder.

Claim 9: Both the master folder and the working folder are unlocked. The folders are consistent if data values are updated so as to be the same (step 70 in FIG. 3D).

Claim 15: Beizer et al. discloses individual computer systems, such as (34), (36) and (38). A computer system inherently includes a processor and a bus for communication between

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the components on the computer. Databases (30) and (42) are connected to the processors. Any of the programmed decision steps in FIG. 3D are readable as a lock, since a negative decision prevents updates to the master folder.

Claim 16: As seen in FIG. 3D, the pages on the work folder and the master folder have counter values which can be compared.

Claim 17: Claim 17 is entirely directed to process steps which do not further limit the elements of the physical system. Accordingly, these steps carry no patentable weight.

Claim 18-19: The lock is optionally recited in claim 15, and therefore it does not necessarily limit the invention or carry patentable weight.

Claim 20: Claim 20 is directly entirely to process steps which do not further limit the elements of the physical system. Accordingly, these steps carry no patentable weight.

Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6 are allowed.

Remarks

Applicant's arguments have overcome the previously applied rejection under 35 USC 112.

With respect to the rejection of claims 7-9 and 15-20 under 35 USC 102(e) as anticipated by Beizer et al., applicant's arguments have been considered. In particular, applicant argues that Beizer lacks teaching of a write counter value. However, examiner interprets the term "write counter value" as being broad term, and including any numerical values that are written into the

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memory of a computer system. Since the values utilized in Beizer et al. are consistent with this interpretation, Examiner maintains that claims 7-9 and 15-20 are anticipated by Beizer et al.

Applicant has also amended claim 15 to recite a lock preventing read or write operations. Examiner maintains that decision blocks in FIG. 3B are readable as such locks, since negative decisions prevent updates to the master folder. Since an update is a writing operation, these decision blocks can prevent certain write operations from being performed, and thus effectively lock the master file in certain circumstances.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
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